

1 TO THE HONORABLE SENATE:

2 The Committee on Finance to which was referred Senate Bill No. 884
3 entitled “An act relating to miscellaneous tax changes” respectfully reports that
4 it has considered the same and recommends that the bill be amended by
5 striking out all after the enacting clause and inserting in lieu thereof the
6 following:

7 * * * Technical and Administrative Provisions * * *

8 * * * Personal and Corporate Income Taxes * * *

9 Sec. 1. 32 V.S.A. § 5862d is amended to read:

10 § 5862d. FILING OF FEDERAL FORM 1099

11 (a) Any individual or business required to file a federal form 1099 with
12 respect to a nonresident who performed services within the State during the
13 taxable year shall file a copy of the form with the Department. The
14 Commissioner may authorize electronic filing of the form.

15 (b) Any individual or business required to file information returns pursuant
16 to 26 U.S.C. § 6050W shall within 30 days of the date the filing is due to the
17 Internal Revenue Service file with the Commissioner a duplicate of such
18 information returns on which the recipient has a Vermont address. The
19 Commissioner may authorize electronic filing of the form.

1 Sec. 2. 32 V.S.A. § 5862(c) is amended to read:

2 (c) Taxable corporations which received any income allocated or
3 apportioned to this State under the provisions of section 5833 of this title for
4 the taxable year and which under the laws of the United States constitute an
5 affiliated group of corporations may elect to file a consolidated return in lieu of
6 separate returns if such corporations qualify and elect to file a consolidated
7 federal income tax return for that taxable year. Such an election to file a
8 Vermont consolidated return shall continue for five years, including the year
9 the election is made.

10 Sec. 3. 32 V.S.A. § 5862f is added to read:

11 § 5862f. ADDITIONAL RETURN CHECKOFFS

12 (a) On returns filed by individuals, there shall be three checkoffs allowing
13 taxpayers an opportunity to designate funds for outside organizations. The
14 four checkoffs shall be the checkoffs for:

15 (1) the Nongame Wildlife Account under section 5862a of this title;

16 (2) the Vermont Veterans' Fund under section 5862e of this title; and

17 (3) a checkoff designated by the Commissioner of Taxes under this
18 section.

19 (b) Every five years, the Commissioner of Taxes shall select a

20 nongovernmental organization to have an individual income tax return

21 checkoff under this section for a period of five years. The Commissioner's

1 decision shall consider the organization's broad impact on Vermonters, its
2 contribution to Vermont's heritage, the organization's financial need, and the
3 extent to which the service provided by the organization is unique or whether
4 its services are also provided by other organizations.

5 (c) The Commissioner's selection of an organization under this section
6 shall be final. The Commissioner is authorized to adopt rules and procedures
7 to implement the requirements of this section.

8 (d) Returns filed by individuals shall include, on a form prescribed by the
9 Commissioner of Taxes, an opportunity for the taxpayer to designate funds to
10 organizations selected by the Commissioner under this section.

11 (e) Amounts so designated shall be deducted from refunds due to, or
12 overpayments made by, the designating taxpayers. All amounts so designated
13 and deducted shall be deposited in an account by the Commissioner of Taxes
14 for payment to the organization selected. If at any time after the payment of
15 amounts so designated to the account it is determined that the taxpayer was not
16 entitled to all or any part of the amount so designated, the Commissioner may
17 assess, and the account shall then pay to the Commissioner, the amount
18 received, together with interest at the rate prescribed by section 3108 of this
19 title, from the date the payment was made until the date of repayment.

20 (f) The Commissioner of Taxes shall explain to taxpayers the purposes of
21 the account and how to contribute to it. The Commissioner shall make

1 available to taxpayers the annual income and expense report of the
2 organization selected, and shall provide notice in the instructions for the State
3 individual income tax return that the report is available at the Department of
4 Taxes.

5 (g) If amounts paid with respect to a return are insufficient to cover both
6 the amount owed on the return under this chapter and the amount designated
7 by the taxpayer as a contribution to selected organizations, the payment shall
8 first be applied to the amount owed on the return under this chapter and the
9 balance, if any, shall be deposited in the account.

10 (h) Nothing in this section shall be construed to require the Commissioner
11 to collect any amount designated as a contribution to the organization selected.

12 Sec. 4. 32 V.S.A. § 5930b(c)(9) is amended to read:

13 (9) Incentive claims must be filed annually no later than the last day of
14 April of ~~each~~ the current year ~~of the~~ for the prior year's utilization period. For
15 a claim to be considered a timely filing and eligible for an incentive payment,
16 all forms and workbooks must be complete and all underlying documentation,
17 such as that required pursuant to subsection 5842(c) of this title, must be filed
18 with the Department of Taxes. Incomplete claims may be considered to have
19 been timely filed if a complete claim is filed within the time prescribed by the
20 Department of Taxes. If a claim is not filed each year of the utilization period,
21 any incentive installment previously paid shall be recaptured in accordance

1 with subsection (d) of this section and upon notice from the Department of
2 Taxes that the business failed to file a complete timely claim, the Vermont
3 Economic Progress Council shall revoke all authority for the business to earn
4 and claim incentives under this subchapter. The incentive return shall be
5 subject to all provisions of this chapter governing the filing of tax returns. No
6 interest shall be paid by the Department of Taxes for any reason with respect to
7 incentives allowed under this section.

8 Sec. 5. 32 V.S.A. § 5824 is amended to read:

9 § 5824. ADOPTION OF FEDERAL INCOME TAX LAWS

10 The statutes of the United States relating to the federal income tax, as in
11 effect for taxable year ~~2012~~ 2013, but without regard to federal income tax
12 rates under 26 U.S.C. § 1, are hereby adopted for the purpose of computing the
13 tax liability under this chapter.

14 Sec. 6. 32 V.S.A. § 7475 is amended to read:

15 § 7475. ADOPTION OF FEDERAL ESTATE AND GIFT TAX LAWS

16 The laws of the United States relating to federal estate and gift taxes as in
17 effect on December 31, ~~2012~~ 2013, are hereby adopted for the purpose of
18 computing the tax liability under this chapter, except:

19 (1) the credit for State death taxes shall remain as provided for under
20 26 U.S.C. §§ 2011 and 2604 as in effect on January 1, 2001;

1 (2) the applicable credit amount shall under 26 U.S.C. § 2010 shall not
2 apply; and the tax imposed under section 7442a of this chapter shall be
3 calculated as if the applicable exclusion amount under 26 U.S.C. § 2010 were
4 \$2,750,000.00; and

5 (3) the deduction for State death taxes under 26 U.S.C. § 2058 shall not
6 apply.

7 * * * Tax Increment Financing Districts * * *

8 Sec. 7. 2011 Acts and Resolves No. 45, Sec. 16 is amended to read:

9 Sec. 16. BURLINGTON TAX INCREMENT FINANCING

10 (a) Pursuant to ~~Sec. 83 of No. 54 of the Acts of the 2009 Adj. Sess. (2010)~~
11 2010 Acts and Resolves No. 54, Sec. 83, the joint fiscal committee Joint Fiscal
12 Committee approved a formula for the implementation of a payment to the
13 ~~education fund~~ Education Fund in lieu of tax increment payments.

14 (b) The terms of the formula approved by the ~~joint fiscal committee~~ Joint
15 Fiscal Committee are as follows:

16 (1) Beginning in the fiscal year in which there is the incurrence of new
17 TIF debt, the ~~city~~ City will calculate and make an annual payment on
18 December 10th to the ~~education fund~~ Education Fund each year until 2025.
19 The April 1, 2010 grand list for the area encompassing the existing Waterfront
20 TIF – excluding two parcels at 25 Cherry Street or the Marriott Hotel
21 (SPAN#114-035-20755) and 41 Cherry Street – is the baseline to be used as

1 the starting point for calculating the tax increment that will be divided
2 25 percent to the ~~state education fund~~ State Education Fund and 75 percent to
3 the ~~city~~ City of Burlington. At the conclusion of the TIF in FY2025, any
4 surplus tax increment funds will be returned to the ~~city~~ City of Burlington and
5 ~~state education fund~~ State Education Fund in proportion to the relative
6 municipal and education tax rates as clarified in a letter from Mayor Bob Kiss
7 to the ~~chair of the joint fiscal committee~~ Chair of the Joint Fiscal Committee
8 dated September 9, 2009.

9 (2) The formula for calculating the payment in lieu of tax increment is
10 as follows: first, the difference between the grand list for the Waterfront TIF
11 excluding the two hotel parcels from the fiscal year in which the payment is
12 due and the April 1, 2010 grand list is calculated. Next, that amount is
13 multiplied by the current education property tax rates to determine the
14 increment subject to payment. Finally, this new increment is multiplied by
15 25 percent to derive the payment amount.

16 (3) ~~The city of Burlington will prepare a report annually, beginning~~
17 ~~July 1, 2010, for both the joint fiscal committee and the department of taxes,~~
18 ~~which will contain:~~

19 (A) ~~the calculation set out in subdivision (2) of this subsection;~~

1 ~~(B) a listing of each parcel within the Waterfront TIF District and the~~
2 ~~1996 original taxable value, 2010 extended base value, and the most recent~~
3 ~~values for all homestead and nonresidential property;~~

4 ~~(C) a history of all of the TIF revenue and debt service payments; and~~

5 ~~(D) details of new debt authorized, including repayment schedules.~~

6 [Repealed.]

7 Sec. 8. 24 V.S.A. § 1894(b) and (c) are amended to read:

8 (b) Use of the education property tax increment. For only debt ~~and related~~
9 ~~costs~~ incurred within the period permitted under subdivision (a)(1) of this
10 section after creation of the district, and related costs, up to 75 percent of the
11 education tax increment may be retained for up to 20 years, beginning with the
12 education tax increment generated the year in which the first debt incurred for
13 improvements financed in whole or in part with incremental education
14 property tax revenue. Upon incurring the first debt, a municipality shall notify
15 the Department of Taxes and the Vermont Economic Progress Council of the
16 beginning of the 20-year retention period of education tax increment.

17 (c) Use of the municipal property tax increment. For only debt ~~and related~~
18 ~~costs~~ incurred within the period permitted under subdivision (a)(1) of this
19 section after creation of the district, and related costs, not less than an equal
20 share of the municipal tax increment pursuant to subsection (f) of this section

1 shall be retained to service the debt, beginning the first year in which debt is
2 incurred, pursuant to subsection (b) of this section.

3 Sec. 9. 24 V.S.A. § 1894(e) is amended to read:

4 (e) Proportionality. The municipal legislative body may ~~pledge and~~
5 ~~appropriate~~ commit the State education and municipal tax increments received
6 from properties contained within the tax increment financing district for the
7 financing of improvements and for related costs only in the same proportion by
8 which the improvement or related costs serve the district, as determined by the
9 Council when approved in accordance with 32 V.S.A. § 5404a(h), and in the
10 case of an improvement that does not reasonably lend itself to a proportionality
11 formula, the Council shall apply a rough proportionality and rational nexus
12 test.

13 Sec. 10. 24 V.S.A. § 1895 is amended to read:

14 § 1895. ORIGINAL TAXABLE VALUE

15 As of the date the district is created, the lister or assessor for the
16 municipality shall certify the original taxable value and shall certify to the
17 legislative body in each year thereafter during the life of the district the amount
18 by which the ~~original taxable value has increased or decreased and the~~
19 ~~proportion which any such increase bears to the total assessed valuation of the~~
20 ~~real property for that year or the proportion which any such decrease bears to~~
21 ~~the original taxable value~~ total valuation as determined in accordance with

1 32 V.S.A. chapter 129 of all taxable real property located within the tax
2 increment financing district has increased or decreased relative to the original
3 taxable value.

4 Sec. 11. 24 V.S.A. § 1896(a) is amended to read:

5 (a) In each year following the creation of the district, the listers or assessor
6 shall include no more than the original taxable value of the real property in the
7 assessed valuation upon which the ~~listers or assessor~~ treasurer computes the
8 rates of all taxes levied by the municipality, ~~the school district~~, and every other
9 taxing district in which the tax increment financing district is situated; but the
10 ~~listers or assessor~~ treasurer shall extend all rates so determined against the
11 entire assessed valuation of real property for that year. In each year for which
12 the assessed valuation exceeds the original taxable value, the municipality shall
13 hold apart, rather than remit to the taxing districts, that proportion of all taxes
14 paid that year on the real property in the district which the excess valuation
15 bears to the total assessed valuation. The amount held apart each year is the
16 “tax increment” for that year. No more than the percentages established
17 pursuant to section 1894 of this subchapter of the municipal and ~~state~~ State
18 education tax increments received with respect to the district and committed
19 for the payment for financing for improvements and related costs shall be
20 segregated by the municipality in a special tax increment financing account
21 and in its official books and records until all capital indebtedness of the district

1 has been fully paid. The final payment shall be reported to the ~~list~~ or
2 ~~assessor~~ treasurer, who shall thereafter include the entire assessed valuation of
3 the district in the assessed valuations upon which municipal and other tax rates
4 are computed and extended and ~~taxes are remitted to all taxing districts~~
5 thereafter no taxes from the district shall be deposited in the district's tax
6 increment financing account.

7 Sec. 12. 24 V.S.A. § 1901(3) is amended to read:

8 (3) Annually:

9 (A) ~~include in the municipal audit cycle prescribed in section 1681 of~~
10 ~~this title a report of finances of~~ ensure that the tax increment financing district,
11 ~~including~~ account required by section 1896 of this subchapter is subject to the
12 annual audit prescribed in section 1681 of this title. Procedures must include
13 verification of the original taxable value and annual and total municipal and
14 education tax increments generated, ~~annual and total expenditures on~~
15 ~~improvements and related costs, all indebtedness of the district, including the~~
16 ~~initial debt, interest rate, terms, and annual and total principal and interest~~
17 ~~payments, an accounting of revenue sources other than property tax revenue by~~
18 ~~type and dollar amount, and an accounting of the special account required by~~
19 ~~section 1896 of this subchapter, including revenue, expenditures for debt and~~
20 related costs, and current balance;

1 (B) on or before January 15 of each year, on a form prescribed by the
2 Council, submit an annual report to the Vermont Economic Progress Council
3 and the Department of Taxes, including the information required by
4 subdivision (2) of this section if not already submitted during the year, all
5 information required by subdivision (A) of this subdivision (3), and the
6 information required by 32 V.S.A. § 5404a(i), including performance
7 indicators and any other information required by the Council or the
8 Department of Taxes.

9 Sec. 13. 32 V.S.A. § 5404a(j) is amended to read:

10 (j) Tax increment financing district rulemaking, oversight, and
11 enforcement.

12 * * *

13 (2) Authority to issue decisions.

14 (A) The Secretary of Commerce and Community Development, after
15 reasonable notice to a municipality and an opportunity for a hearing, is
16 authorized to issue decisions to a municipality ~~regarding~~ on questions and
17 inquiries ~~about~~ concerning the administration of tax increment financing
18 districts, statutes, rules, noncompliance with 24 V.S.A. chapter 53,
19 subchapter 5, and any instances of noncompliance identified in audit reports
20 conducted pursuant to subsection (l) of this section.

1 (B) The Vermont Economic Progress Council shall prepare
2 recommendations for the Secretary prior to the issuance of a decision. As
3 appropriate, the Council may prepare such recommendations in consultation
4 with the Commissioner of Taxes, the Attorney General, and the State
5 Treasurer. In preparing recommendations, the Council shall provide a
6 municipality with a reasonable opportunity to submit written information in
7 support of its position. The Secretary shall review the recommendations of the
8 Council and issue a final written decision on each matter within 60 days of the
9 ~~recommendation~~ receipt of the recommendations. However, pursuant to
10 subdivision (5) of this subsection (j), the Secretary may permit an appeal to be
11 taken by any party to a Superior Court for determination of questions of law in
12 the same manner as the Supreme Court may by rule provide for appeals before
13 final judgment from a Superior Court before issuing a final decision.

14 * * *

15 Sec. 14. 32 V.S.A. § 5404a(1) is amended to read:

16 (1) The State Auditor of Accounts shall conduct performance audits of all
17 tax increment financing districts according to a schedule, which will be arrived
18 at in consultation with the Vermont Economic Progress Council. The cost of
19 conducting each audit shall be considered a “related cost” as defined in
20 24 V.S.A. § 1891(6) and shall be billed back to the municipality. Audits
21 conducted pursuant to this subsection shall include a review of a municipality’s

1 adherence to relevant statutes and rules adopted by the Vermont Economic
2 Progress Council pursuant to subsection (j) of this section, an assessment of
3 record keeping related to revenues and expenditures, and a validation of the
4 portion of the tax increment retained by the municipality and used for debt
5 repayment and the portion directed to the Education Fund.

6 (1) For municipalities with a district created prior to January 1, 2006 and
7 a debt repayment schedule that anticipates retention of education increment
8 beyond fiscal year 2016, an audit shall be conducted when approximately
9 three-quarters of the period for retention of education increment has elapsed,
10 and at the end of that same period, an audit shall be conducted for the final
11 one-quarter period for retention of education increment, except that for the
12 Milton Catamount/Husky district and the Burlington Waterfront district only a
13 final audit shall be conducted to cover the period from the effective date of the
14 rules pursuant to subdivision (j)(1) of this section to the end of the retention
15 period.

16 (2) For municipalities with a district created after January 1, 2006 and
17 approved by the Vermont Economic Progress Council, an audit shall be
18 conducted ~~at the end of the 10 year period in which debt can be incurred and~~
19 ~~again approximately halfway through the 20 year period for retention of~~
20 ~~education increment; provided, however, that an audit shall occur no more than~~
21 ~~one time in a five year period~~ five years after the first debt is incurred and a

1 second audit seven years after completion of the first audit. A final audit will
2 be conducted at the end of the period for retention of education increment.

3 * * * Property Taxes * * *

4 Sec. 15. 32 V.S.A. § 3436(b) is amended to read:

5 (b) The ~~director~~ Director shall ~~determine~~ establish designations recognizing
6 levels of achievement and the necessary course work or evaluation of
7 equivalent experience required for to attain each designation as ~~Vermont~~
8 ~~lister/assessor, Vermont property evaluator, and Vermont municipal assessor.~~

9 Designation for any one level shall be for a period of three years.

10 Sec. 16. 32 V.S.A. § 5408(a) is amended to read:

11 (a) Not later than ~~30~~ 35 days after ~~the receipt by its clerk~~ mailing of a
12 notice under section 5406 of this title, a municipality may petition the Director
13 of the Division of Property Valuation and Review for a redetermination of the
14 municipality's equalized education property value and coefficient of
15 dispersion. Such petition shall be in writing and shall be signed by the chair of
16 the legislative body of the municipality or its designee.

17 Sec. 17. 32 V.S.A. § 5410(g) is amended to read:

18 (g) If the property identified in a declaration under subsection (b) of this
19 section is not the taxpayer's homestead, or if the owner of a homestead fails to
20 declare a homestead as required under this section, the Commissioner shall
21 notify the municipality, and the municipality shall issue a corrected tax bill that

1 may, as determined by the governing body of the municipality, include a
2 penalty of up to three percent of the education tax on the property. If
3 However, if the property incorrectly declared as a homestead is located in a
4 municipality that has a lower homestead tax rate than the nonresidential tax
5 rate, ~~the penalty shall be an amount equal to eight percent of the education tax~~
6 ~~on the property, but if the homestead tax rate is higher than the nonresidential~~
7 ~~tax rate, the penalty shall be in an amount equal to three percent of the~~
8 ~~education tax on the property. If an undeclared homestead is located in a~~
9 ~~municipality that has a lower nonresidential tax rate than the homestead tax~~
10 ~~rate, the penalty shall be eight percent of the education tax liability on the~~
11 ~~property, but if the nonresidential tax rate is higher than the homestead tax rate,~~
12 ~~then the penalty shall be in an amount equal to three percent of the education~~
13 ~~tax on the property~~ or if an undeclared homestead is located in a municipality
14 that has a lower nonresidential tax rate than the homestead tax rate, then the
15 governing body of the municipality may include a penalty of up to eight
16 percent of the education tax liability on the property. If the Commissioner
17 determines that the declaration or failure to declare was with fraudulent intent,
18 then the municipality shall assess the taxpayer a penalty in an amount equal
19 to 100 percent of the education tax on the property; plus any interest and
20 late-payment fee or commission which may be due. Any penalty imposed
21 under this section and any additional property tax interest and late-payment fee

1 or commission shall be assessed and collected by the municipality in the same
2 manner as a property tax under chapter 133 of this title. Notwithstanding
3 section 4772 of this title, issuance of a corrected bill issued under this section
4 does not extend the time for payment of the original bill, nor relieve the
5 taxpayer of any interest or penalties associated with the original bill. If the
6 corrected bill is less than the original bill, and there are also no unpaid current
7 year interest or penalties and no past year delinquent taxes or penalties and
8 interest charges, any overpayment shall be reflected on the corrected tax bill
9 and refunded to the taxpayer.

10 Sec. 18. 32 V.S.A. § 5410(i) is amended to read:

11 (i) An owner filing a new or corrected declaration, or rescinding an
12 erroneous declaration, after ~~September 1~~ October 15 shall not be entitled to a
13 refund resulting from the correct property classification; and any additional
14 property tax and interest which would result from the correct classification
15 shall not be assessed as tax and interest, but shall instead constitute an
16 additional penalty, to be assessed and collected in the same manner as penalties
17 under subsection (g) of this section. Any change in property classification
18 under this subsection shall not be entered on the grand list.

1 Sec. 19. 32 V.S.A. § 6066a(f) is amended to read:

2 (f) Property tax bills.

3 (1) For taxpayers and amounts stated in the notice to towns on July 1,
4 municipalities shall create and send to taxpayers a homestead property tax bill,
5 instead of the bill required under subdivision 5402(b)(1) of this title, providing
6 the total amount allocated to payment of homestead education property tax
7 liabilities and notice of the balance due. Municipalities shall apply the amount
8 allocated under this chapter to current-year property taxes in equal amounts to
9 each of the taxpayers' property tax installments that include education taxes.
10 Notwithstanding section 4772 of this title, if a town issues a corrected bill as a
11 result of the November 1 notice sent by the Commissioner under subsection (a)
12 of this section, issuance of such corrected new bill does not extend the time for
13 payment of the original bill, nor relieve the taxpayer of any interest or penalties
14 associated with the original bill. If the corrected bill is less than the original
15 bill, and there are also no unpaid current year interest or penalties and no past
16 year delinquent taxes or penalties and interest charges, any overpayment shall
17 be reflected on the corrected tax bill and refunded to the taxpayer.

18 (2) For property tax adjustment amounts for which municipalities
19 receive notice ~~on or~~ after November 1, municipalities shall issue a new
20 homestead property tax bill with notice to the taxpayer of the total amount

1 allocated to payment of homestead property tax liabilities and notice of the
2 balance due.

3 (3) The property tax adjustment amount determined for the taxpayer
4 shall be allocated first to current-year property tax on the homestead parcel,
5 next to current-year homestead parcel penalties and interest, next to any prior
6 year homestead parcel penalties and interest, and last to any prior year property
7 tax on the homestead parcel. No adjustment shall be allocated to a property tax
8 liability for any year after the year for which the claim or refund allocation was
9 filed. No municipal tax-reduction incentive for early payment of taxes shall
10 apply to any amount allocated to the property tax bill under this chapter.

11 (4) If the property tax adjustment amount as described in subsection (e)
12 of this section exceeds the property tax, penalties, and interest, due for the
13 current and all prior years, the municipality shall refund the excess to the
14 taxpayer, without interest, within 20 days of the first date upon which taxes
15 become due and payable or 20 days after notification of the adjustment amount
16 by the Commissioner of Taxes, whichever is later.

17 * * * Meals and Rooms Tax * * *

18 Sec. 20. 32 V.S.A. § 9202(10)(D)(ii)(X) is amended to read:

19 (X) purchased ~~with food stamps~~ under the U.S.D.A. Supplemental
20 Nutrition Assistance Program (SNAP);

*** Property Transfer Tax ***

1
2 Sec. 21. 32 V.S.A. § 9608(a) is amended to read:

3 (a) Except as to transfers which are exempt pursuant to subdivision
4 9603(17) of this title, no town clerk shall record, or receive for recording, any
5 deed to which is not attached a properly executed transfer tax return, complete
6 and regular on its face, and a certificate in the form prescribed by the Natural
7 Resources Board and the Commissioner of Taxes ~~signed under oath by the~~
8 ~~seller or the seller's legal representative~~, that the conveyance of the real
9 property and any development thereon by the seller is in compliance with or
10 exempt from the provisions of 10 V.S.A. chapter 151. The certificate shall
11 indicate whether or not the conveyance creates the partition or division of land.
12 If the conveyance creates a partition or division of land, there shall be
13 appended the current "Act 250 Disclosure Statement," required by 10 V.S.A.
14 § 6007. A town clerk who violates this section shall be fined \$50.00 for the
15 first such offense and \$100.00 for each subsequent offense. A person who
16 purposely or knowingly falsifies any statement contained in the certificate
17 required is punishable by fine of not more than \$500.00 or imprisonment for
18 not more than one year, or both.

1 * * * Non-Education Financing Policy and Revenue Provisions * * *

2 * * * Tax on Distilled Spirits * * *

3 Sec. 22. 7 V.S.A. § 422(b) is added to read:

4 (b) The retail sales of spirituous liquor made by a manufacturer or rectifier
5 at a fourth class or farmers' market license location shall be included in the
6 gross revenue of a seller under this section, but only to the extent that the sales
7 are of the manufacturer or rectifier's own products, and not products purchased
8 from other manufacturers and rectifiers.

9 * * * Employer Assessment * * *

10 Sec. 23. 21 V.S.A. § 2001 is amended to read:

11 § 2001. PURPOSE

12 For the purpose of more equitably distributing the costs of health care to
13 uninsured residents of this ~~state~~ State, an employers' health care fund
14 contribution is established to provide a fair and reasonable method for sharing
15 health care costs with employers who do not offer their employees health care
16 coverage and employers who offer insurance but whose employees enroll in
17 Medicaid.

18 Sec. 24. 21 V.S.A. § 2002 is amended to read:

19 § 2002. DEFINITIONS

20 As used in this chapter:

21 * * *

1 (5) “Uncovered employee” means:

2 (A) an employee of an employer who does not offer to pay any part
3 of the cost of health care coverage for its employees;

4 (B) an employee who is not eligible for health care coverage offered
5 by an employer to any other employees; or

6 (C) an employee who is offered and is eligible for coverage by the
7 employer but elects not to accept the coverage and ~~either~~:

8 (i) is enrolled in Medicaid;

9 (ii) has no other health care coverage under either a private or
10 public plan except Medicaid; or

11 (ii)(iii) has purchased health insurance coverage as an individual
12 through the Vermont Health Benefit Exchange.

13 * * *

14 Sec. 25. 21 V.S.A. § 2003 is amended to read:

15 § 2003. HEALTH CARE FUND CONTRIBUTION ASSESSMENT

16 (a) The Commissioner of Labor shall assess and an employer shall pay a
17 quarterly Health Care Fund contribution for each full-time equivalent
18 uncovered employee employed during that quarter ~~in excess of:~~

19 (1) ~~eight full-time equivalent employees in fiscal years 2007 and 2008;~~

20 (2) ~~six full-time equivalent employees in fiscal year 2009; and~~

1 ~~(3) four full-time equivalent employees in fiscal years 2010 and~~
2 ~~thereafter.~~

3 (b) For any quarter in fiscal years 2007 and 2008, the amount of the Health
4 Care Fund contribution shall be \$ 91.25 for each full-time equivalent employee
5 in excess of eight. For each fiscal year after fiscal year 2008, the number of
6 excluded full-time equivalent employees shall be adjusted in accordance with
7 subsection (a) of this section, and the amount of the Health Care Fund
8 contribution shall be adjusted by a percentage equal to any percentage change
9 in premiums for the second lowest cost silver level plan in the Vermont Health
10 Benefit Exchange.

11 (1) For any quarter in fiscal year 2015, the amount of the Health Care
12 Fund contribution shall be calculated as follows:

13 (A) for employers with at least one but no more than 49 full-time
14 equivalent employees, the amount of the Health Care Fund contribution shall
15 be \$119.12 for each uncovered full-time equivalent employee in excess
16 of four;

17 (B) for employers with between 50 and 249 full-time equivalent
18 employees, the amount of the Health Care Fund Contribution shall be
19 \$182.50 for each uncovered full-time equivalent employee in excess
20 of four; and

1 (C) for employers with more than 250 full-time equivalent
2 employees, the amount of the Health Care Fund Contribution shall be
3 \$273.75 for each uncovered full-time equivalent employee in excess of four.

4 (2) For each fiscal year after fiscal year 2015, the Health Care Fund
5 contribution amounts described in subdivision (1) of this subsection shall be
6 adjusted by a percentage equal to any percentage change in premiums for the
7 second lowest cost silver-level plan in the Vermont Health Benefit Exchange.

8 * * *

9 * * * Solar Capacity Tax * * *

10 Sec. 26. 32 V.S.A. § 3802(17) is amended to read:

11 (17) Real and personal property, except land, composing a renewable
12 energy plant generating electricity from solar power, ~~to the extent the plant is~~
13 ~~exempt from taxation under chapter 215 of this title~~ which has a plant capacity
14 of less than 50 kW and is either:

15 (A) operated on a net-metered system; or

16 (B) not connected to the electric grid and provides power only on the
17 property on which the plant is located.

18 Sec. 27. 32 V.S.A. § 3481(1)(D) is added to read:

19 (D)(i) For real and personal property comprising a renewable energy
20 plant generating electricity from solar power, except land and property that is
21 exempt under subdivision 3802(17) of this title, the appraisal value shall be

1 determined by an income capitalization or discounted cash flow approach that
2 includes the following:

3 (I) an appraisal model identified and published by the Director
4 employing appraisal industry standards and inputs;

5 (II) a discount rate determined and published annually by the
6 Director;

7 (III) the appraisal value shall be 70 percent of the value
8 calculated using the model published by the Director based on an expected
9 25-year project life and shall be set in the grand list next lodged after the plant
10 is commissioned and each subsequent grand list for the lesser of the remaining
11 life of the project or 25 years;

12 (IV) for the purposes of calculating appraisal value for net
13 metered systems receiving a credit specified in 30 V.S.A. § 219a (h)(1)(k), the
14 model used to calculate value will not incorporate a factor for electricity rate
15 escalation; and

16 (V) for plants operating as a net-metered system as described in
17 30 V.S.A. § 219a with a capacity of 50 kW or greater, the plant capacity used
18 to determine value in the model shall be reduced by 50 kW and the appraisal
19 value shall be calculated only on additional capacity in excess of 50 kW.

20 (ii) The owner of a project shall respond to a request for
21 information from the municipal assessing officials by returning the information

1 sheet describing the project in the form specified by the Director not later than
2 45 days after the request for information is sent to the owner. If the owner
3 does not provide a complete and timely response, the municipality shall
4 determine the appraisal value using the published model and the best estimates
5 of the inputs to the model available to the municipality at the time, and the
6 provisions of section 4006 of this title shall apply to the information form in
7 the same manner as if the information form were an inventory as described in
8 that section. Nothing in this subdivision (1) shall affect the availability of the
9 exemption set forth in the provisions of section 3845 of this title or availability
10 of a contract under the provisions of 24 V.S.A. § 2741.

11 Sec. 28. 32 V.S.A. § 3845 is amended to read:

12 § 3845. ~~ALTERNATE~~ RENEWABLE ENERGY SOURCES

13 (a) At an annual or special meeting warned for that purpose, a town may,
14 by a majority vote of those present and voting, exempt ~~alternate~~ renewable
15 energy sources, as defined herein, from real and personal property taxation.

16 Such exemption shall first be applicable against the grand list of the year in
17 which the vote is taken and shall continue until voted otherwise, in the same
18 manner, by the town.

19 (b) ~~For the purposes of~~ As used in this section, alternate renewable energy
20 ~~sources includes any plant, structure or facility used for the generation of~~
21 ~~electricity or production of~~ shall have the same meaning as in 30 V.S.A.

1 § 8002(17) for energy used on the premises for private, domestic, or
2 agricultural purposes, no part of which may be for sale or exchange to the
3 public. The term shall include, ~~but not be limited to~~ grist mills, windmills,
4 facilities for the collection of solar energy or the conversion of organic matter
5 to methane, ~~net metering~~ net-metering systems regulated by the Public Service
6 Board under 30 V.S.A. § 219a, and all component parts thereof ~~including, but~~
7 excluding land upon which the facility is located, ~~not to exceed one-half acre.~~

8 Sec. 29. 32 V.S.A. § 8701(c) is amended to read:

9 (c) A renewable energy plant that generates electricity from solar power
10 shall be exempt from taxation under this section if it has a plant capacity ~~equal~~
11 ~~to or less than 10 kW~~ less than 50kW.

12 * * * Valuation of Natural Gas and Petroleum Infrastructure * * *

13 Sec. 30. 32 V.S.A. § 3621 is added to read:

14 § 3621. PETROLEUM AND NATURAL GAS INFRASTRUCTURE

15 For purposes of the statewide education property tax in chapter 135 of this
16 title, the Director shall determine the appraised value of all property and
17 fixtures composing and underlying a petroleum or natural gas facility,
18 petroleum or natural gas transmission line, or petroleum or natural gas
19 distribution line located entirely within this State. The Director shall value
20 such property at its fair market value, an assessment it shall reach by the cost
21 approach to value by employing an actual cost-based methodology, adjusting

1 that actual cost using a cost factor from industry-specific inflation indexes, and
2 depreciating the resulting present cost using a depreciation schedule based on
3 the property's estimated remaining life; provided, however, that after the
4 property has been depreciated to 30 percent of its present cost or less,
5 exclusive of salvage value, the property shall be appraised at 30 percent of its
6 cost. The Director shall inform the local assessing officials of his or her
7 appraised value under this section on or before May 1 of each year, and the
8 local assessing officials shall use the Director's appraised value for purposes of
9 assessing and collecting the statewide education property tax under chapter
10 135 of this title.

11 * * * Income Taxes * * *

12 Sec. 31. 32 V.S.A. § 5870 is amended to read:

13 § 5870. REPORTING USE TAX ON INDIVIDUAL INCOME TAX

14 RETURNS

15 The Commissioner of Taxes shall provide that individuals report use tax on
16 their State individual income tax returns. Taxpayers are required to attest to
17 the amount of their use tax liability under chapter 233 of this title for the period
18 of the tax return. Alternatively, they may elect to report an amount that is ~~0.08~~
19 0.10 percent of their Vermont adjusted gross income, as shown on a table
20 published by the Commissioner of Taxes; and use tax liability arising from the

1 purchase of each item with a purchase price in excess of \$1,000.00 shall be
2 added to the table amount.

3 Sec. 32. 32 V.S.A. § 5830e is added to read:

4 § 5830e. ALTERNATE CALCULATION

5 For the purposes of calculating the taxes under section 5822 or 5832 of this
6 chapter, dispensaries, established under 18 V.S.A. chapter 86, are permitted to
7 recalculate their State tax liability with an allowance for any expense that was
8 denied at the federal level due to 26 U.S.C. § 280E.

9 * * * Downtown and Village Center Tax Credits * * *

10 Sec. 33. 32 V.S.A. § 5930ee(1) is amended to read:

11 (1) The total amount of tax credits awarded annually, together with sales
12 tax reallocated under section 9819 of this title, does not exceed ~~\$1,700,000.00~~
13 \$2,200,000.00.

14 Sec. 34. 32 V.S.A. § 9741(39) is amended to read:

15 (39) Sales of building materials within any three consecutive years:

16 (i) in excess of one million dollars in purchase value, which may be
17 reduced to \$250,000.00 in purchase value upon approval of the Vermont
18 Economic Progress Council pursuant to section 5930a of this title, used in the
19 construction, renovation, or expansion of facilities which are used exclusively,
20 except for isolated or occasional uses, for the manufacture of tangible personal
21 property for sale; ~~or~~

1 (ii) ~~in excess of \$250,000.00 in purchase value incorporated into a~~
2 ~~downtown redevelopment project as defined by rule by the Commissioner of~~
3 ~~Housing and Community Affairs; provided that the municipality is not~~
4 ~~receiving an allocation of sales tax receipts pursuant to section 9819 of this~~
5 ~~title.~~

6 * * * Estate Taxes * * *

7 Sec. 35. 32 V.S.A. § 7402(13) is amended to read:

8 (13) “Vermont gross estate” means for any decedent:

9 (A) the value of the federal gross estate under the laws of the United
10 States, with the addition of federal adjusted taxable gifts of the decedent, but
11 with no deduction under 26 U.S.C. § 2058 that is in excess of the basic
12 exclusion amount under 26 U.S.C. § 2010(c)(3) with no provision for any
13 amount under § 2010(c)(4); but excluding

14 (B) the value of real or tangible personal property which has an
15 actual situs outside Vermont at the time of death of the decedent; and

16 (C) also excluding in the case of a nonresident of Vermont, the value
17 of intangible personal property owned by the decedent.

18 Sec. 36. 32 V.S.A. § 7442a is amended to read:

19 § 7442a. IMPOSITION OF A VERMONT ESTATE TAX AND RATE OF
20 TAX

1 (a) A tax of 18 percent is hereby imposed on the transfer of the Vermont
2 estate of every decedent dying on or after January 1, 2002, who, at the time of
3 death, was a resident of this State. The base amount of this tax shall be a sum
4 equal to the amount of the credit for State death taxes allowable to a decedent's
5 estate under 26 U.S.C. § 2011 as in effect on January 1, 2001. This base
6 amount shall be reduced by the lesser of the following:

7 (1) The total amount of all constitutionally valid State death taxes
8 actually paid to other states; or

9 (2) A sum equal to the proportion of the credit which the value of the
10 property taxed by other states bears to the value of the decedent's total gross
11 estate for federal estate tax purposes.

12 (b) A tax is hereby imposed on the transfer of the Vermont estate of every
13 decedent dying on or after January 1, 2002, who, at the time of death, was not
14 a resident of this State. The amount of this tax shall be a sum equal to the
15 proportion of the base amount of tax under subsection (a) of this section which
16 the value of Vermont real and tangible personal property taxed in this State
17 bears to the value of the decedent's total gross estate for federal estate tax
18 purposes.

19 (c) The Vermont estate tax shall not exceed the amount of the tax imposed
20 by 26 U.S.C. § 2001 calculated as if the applicable exclusion amount under

1 ~~26 U.S.C. § 2010 were \$2,750,000.00, and with no deduction under 26 U.S.C.~~
2 ~~§ 2058.~~

3 ~~(d)(b)~~ All values shall be as finally determined for federal estate tax
4 purposes.

5 Sec. 37. 32 V.S.A. § 7475 is amended to read:

6 § 7475. ADOPTION OF FEDERAL ESTATE AND GIFT TAX LAWS

7 The laws of the United States, relating to federal estate and gift taxes as in
8 effect on December 31, 2013, are hereby adopted for the purpose of computing
9 the tax liability under this chapter, except: to the extent such laws conflict with
10 any provision of this chapter

11 ~~(1) the credit for state death taxes shall remain as provided for under~~
12 ~~26 U.S.C. §§ 2011 and 2604 as in effect on January 1, 2001;~~

13 ~~(2) the applicable credit amount under 26 U.S.C. § 2010 shall not apply;~~
14 ~~and the tax imposed under section 7442a of this chapter shall be calculated as~~
15 ~~if the applicable exclusion amount under 26 U.S.C. § 2010 were~~
16 ~~\$2,750,000.00; and~~

17 ~~(3) the deduction for state death taxes under 26 U.S.C. § 2058 shall not~~
18 ~~apply.~~

19 Sec. 38. TAXABLE GIFTS

20 Notwithstanding the changes in this act, decedents dying after
21 December 31, 2014, but who made taxable gifts as defined in 26 U.S.C. § 2503

1 between January 1, 2008 and December 31, 2014 may elect to have their
2 Vermont estate taxed under the law in effect on December 31, 2014. The
3 Department of Taxes is authorized to adopt rules, procedures, and forms
4 necessary to implement this alternate calculation.

5 * * * Tobacco * * *

6 Sec. 39. 32 V.S.A. § 7811 is amended to read:

7 § 7811. IMPOSITION OF TOBACCO PRODUCTS TAX

8 There is hereby imposed and shall be paid a tax on all other tobacco
9 products, snuff, and new smokeless tobacco possessed in the State of Vermont
10 by any person for sale on and after July 1, 1959 which were imported into the
11 State or manufactured in the State after that date, except that no tax shall be
12 imposed on tobacco products sold under such circumstances that this State is
13 without power to impose such tax, or sold to the United States, or sold to or by
14 a voluntary unincorporated organization of the Armed Forces of the United
15 States operating a place for the sale of goods pursuant to regulations
16 promulgated by the appropriate executive agency of the United States. The tax
17 is intended to be imposed only once upon the wholesale sale of any other
18 tobacco product and shall be at the rate of 92 percent of the wholesale price for
19 all tobacco products except snuff, which shall be taxed at ~~\$1.87~~ \$2.18 per
20 ounce, or fractional part thereof, new smokeless tobacco, which shall be taxed
21 at the greater of ~~\$1.87~~ \$2.18 per ounce or, if packaged for sale to a consumer in

1 a package that contains less than 1.2 ounces of the new smokeless tobacco, at
2 the rate of ~~\$2.24~~ \$2.62 per package, and cigars with a wholesale price greater
3 than \$2.17, which shall be taxed at the rate of \$2.00 per cigar if the wholesale
4 price of the cigar is greater than \$2.17 and less than \$10.00, and at the rate of
5 \$4.00 per cigar if the wholesale price of the cigar is \$10.00 or more. Provided,
6 however, that upon payment of the tax within 10 days, the distributor or dealer
7 may deduct from the tax two percent of the tax due. It shall be presumed that
8 all other tobacco products, snuff, and new smokeless tobacco within the State
9 are subject to tax until the contrary is established and the burden of proof that
10 any other tobacco products, snuff, and new smokeless tobacco are not taxable
11 hereunder shall be upon the person in possession thereof. Licensed
12 wholesalers of other tobacco products, snuff, and new smokeless tobacco
13 shall state on the invoice whether the price includes the Vermont tobacco
14 products tax.

15 Sec. 40. 32 V.S.A. § 7814 is amended to read:

16 § 7814. FLOOR STOCK TAX

17 (a) Snuff. A floor stock tax is hereby imposed upon every ~~retailer~~ retail
18 dealer of snuff in this State in the amount by which the new tax exceeds the
19 amount of the tax already paid on the snuff. The tax shall apply to snuff in the
20 possession or control of the ~~retailer~~ retail dealer at 12:01 a.m. ~~on~~ on
21 July 1, ~~2006~~ 2014, but shall not apply to ~~retailers~~ retail dealers who hold less

1 than \$500.00 in wholesale value of such snuff. Each ~~retailer~~ retail dealer
2 subject to the tax shall, on or before July 25, ~~2006~~ 2014, file a report to the
3 Commissioner in such form as the Commissioner may prescribe showing the
4 snuff on hand at 12:01 a.m. ~~on~~ on July 1, ~~2006~~ 2014, and the amount of
5 tax due thereon. The tax imposed by this section shall be due and payable on
6 or before August 25, ~~2006~~ 2014, and thereafter shall bear interest at the rate
7 established under section 3108 of this title. In case of timely payment of the
8 tax, the ~~retailer~~ retail dealer may deduct from the tax due two percent of the
9 tax. Any snuff with respect to which a floor stock tax has been imposed and
10 paid under this section shall not again be subject to tax under section 7811 of
11 this title.

12 * * *

13 * * * Sales and Use Tax – Contractors * * *

14 Sec. 41. 32 V.S.A. § 9701 is amended to read:

15 § 9701. DEFINITIONS

16 Unless the context in which they occur requires otherwise, the following
17 terms when used in this chapter mean:

18 * * *

19 (5) Retail sale or sold at retail: means any sale, lease, or rental for any
20 purpose other than for resale, sublease, or subrent, including sales to
21 contractors, subcontractors, or repair persons of materials and supplies for use

1 by them in erecting structures or otherwise improving, altering, or repairing
2 real property.

3 Sec. 42. 32 V.S.A. § 9771 is amended to read:

4 § 9771. IMPOSITION OF SALES TAX

5 Except as otherwise provided in this chapter, there is imposed a tax on retail
6 sales in this State. The tax shall be paid at the rate of six percent of the sales
7 price charged for but in no case shall any one transaction be taxed under more
8 than one of the following:

9 (1) Tangible personal property, including property used to improve, alter
10 or repair the real property of others by a manufacturer or any person who is
11 primarily engaged in the business of making retail sales of tangible personal
12 property.

13 * * *

14 Sec. 43. 32 V.S.A. § 9745 is amended to read:

15 § 9745. CERTIFICATE OR AFFIDAVIT OF EXEMPTION; DIRECT

16 PAYMENT PERMIT

17 (a) Certificate or affidavit of exemption. The Commissioner may require
18 that a vendor obtain an exemption certificate, which may be an electronic
19 filing, with respect to the following sales: sales for resale; sales to
20 organizations that are exempt under section 9743 of this title; and sales that
21 qualify for a use-based exemption under section 9741 of this title. Acceptance

1 of an exemption certificate containing such information as the Commissioner
2 may prescribe shall satisfy the vendor's burden under subsection 9813(a) of
3 this title of proving that the transaction is not taxable. A vendor's failure to
4 possess an exemption certificate at the time of sale shall be presumptive
5 evidence that the sale is taxable.

6 (b) Direct payment permit. The Commissioner may, in his or her
7 discretion, authorize a purchaser, who acquires tangible personal property or
8 services under circumstances which make it impossible at the time of
9 acquisition to determine the manner in which the tangible personal property or
10 services will be used, to pay the tax directly to the Commissioner and waive
11 the collection of the tax by the vendor through the issuance of a direct payment
12 permit. ~~The Commissioner shall authorize any~~ Any contractor, subcontractor,
13 or repairman who acquires tangible personal property consisting of materials
14 and supplies for use by him or her in erecting structures for others, or building
15 on, or otherwise improving, altering, or repairing real property of others, may
16 apply for a direct payment permit to pay the tax directly to the Commissioner
17 and waive the collection of the tax by the vendor. No such authority shall be
18 granted or exercised except upon application to the Commissioner and the
19 issuance by the Commissioner of a direct payment permit. If a direct payment
20 permit is granted, its use shall be subject to conditions specified by the

1 Commissioner and the payment of tax on all acquisitions pursuant to the
2 permit shall be made directly to the Commissioner by the permit holder.

3 * * * Sales and Use Tax – Compost * * *

4 Sec. 44. 32 V.S.A. § 9701(48)–(52) are added to read:

5 (48) Compost: means a stable humus-like material produced by the
6 controlled biological decomposition of organic matter through active
7 management, but does not mean sewage, septage, or materials derived from
8 sewage or septage.

9 (49) Manipulated animal manure: means manure that is ground,
10 pelletized, mechanically dried, or consists of separated solids.

11 (50) Perlite: means a lightweight granular material made of volcanic
12 material expanded by heat treatment for use in growing media.

13 (51) Planting mix: means material that is:

14 (A) used in the production of plants; and

15 (B) made substantially from compost, peat moss, or coir and other
16 ingredients that contribute to fertility and porosity, including perlite,
17 vermiculite, and other similar materials.

18 (52) Vermiculite: means a lightweight mica product expanded by heat
19 treatment for use in growing media.

1 Sec. 45. 32 V.S.A. § 9741 is amended to read:

2 § 9741. SALES NOT COVERED

3 Retail sales and use of the following shall be exempt from the tax on retail
4 sales imposed under section 9771 of this title and the use tax imposed under
5 section 9773 of this title.

6 * * *

7 (3) Agriculture feeds, seed, plants, baler twine, silage bags, agricultural
8 wrap, sheets of plastic for bunker covers, liming materials, breeding and other
9 livestock, semen breeding fees, baby chicks, turkey poults, agriculture
10 chemicals other than pesticides, veterinary supplies, and bedding; clean high
11 carbon bulking agents, as that term is used in the Agency of Natural Resources
12 Solid Waste Management Rules, used for composting; food residuals used for
13 composting or on-farm energy production; and fertilizers and pesticides for use
14 and consumption directly in the production for sale of tangible personal
15 property on farms, including stock, dairy, poultry, fruit and truck farms,
16 orchards, nurseries, or in greenhouses or other similar structures used primarily
17 for the raising of agricultural or horticultural commodities for sale.

18 * * *

19 (49) Sales of compost, animal manure, manipulated animal manure, and
20 planting mix when sold in aggregate volumes of one cubic yard or greater, or
21 when sold unpackaged, to a farm or commercial purchaser.

1 * * * Use Tax – Telecommunication Services * * *

2 Sec. 46. 32 V.S.A. § 9773 is amended to read:

3 § 9773. IMPOSITION OF COMPENSATING USE TAX

4 Unless property or telecommunications service has already been or will be
5 subject to the sales tax under this chapter, there is imposed on every person a
6 use tax at the rate of six percent for the use within this State, except as
7 otherwise exempted under this chapter:

8 (1) ~~Of~~ of any tangible personal property purchased at retail;

9 (2) ~~Of~~ of any tangible personal property manufactured, processed, or
10 assembled by the user, if items of the same kind of tangible personal property
11 are offered for sale by him or her in the regular course of business, but the
12 mere storage, keeping, retention, or withdrawal from storage of tangible
13 personal property or the use for demonstrational or instructional purposes of
14 tangible personal property by the person who manufactured, processed or
15 assembled such property shall not be deemed a taxable use by him or her; and
16 for purposes of this section only, the sale of electrical power generated by the
17 taxpayer shall not be considered a sale by him or her in the regular course of
18 business if at least 60 percent of the electrical power generated annually by the
19 taxpayer is used by the taxpayer in his or her trade or business;

1 (3) ~~Of~~ any tangible personal property, however acquired, where not
2 acquired for purposes of resale, upon which any taxable services described in
3 subdivision 9771(3) of this title have been performed; ~~and~~

4 (4) ~~Specified~~ specified digital products transferred electronically to an
5 end user; and

6 (5) telecommunications service except coin-operated telephone service,
7 private telephone service, paging service, private communications service, or
8 value-added non-voice data service.

9 * * * Propane Canisters * * *

10 Sec. 47. 33 V.S.A. § 2503 is amended to read:

11 § 2503. FUEL GROSS RECEIPTS TAX

12 (a) There is imposed a gross receipts tax of 0.5 percent on the retail sale of
13 the following types of fuel:

14 (1) heating oil, propane, kerosene, and other dyed diesel fuel delivered
15 to a residence or business;

16 (2) ~~propane~~;

17 ~~(3)~~ natural gas;

18 ~~(4)~~(3) electricity;

19 ~~(5)~~(4) coal.

20 * * *

1 Sec. 48. 32 V.S.A. § 9741(26) is amended to read:

2 (26) Sales of electricity, oil, gas, and other fuels used in a residence for
3 all domestic use, including heating, but not including fuel sold at retail in
4 free-standing containers, or sold as part of a transaction where a free-standing
5 container is exchanged without a separate charge. The Commissioner shall by
6 rule determine that portion of the sales attributable to domestic use where fuels
7 are used for purposes in addition to domestic use.

8 * * * Education Financing and Property Tax Revenue
9 and Policy Provisions * * *

10 * * * Statewide Education Property Tax Rates,
11 Base Education Amount, and Applicable Percentage * * *

12 **Sec. 49. FINDINGS AND PURPOSE**

13 (a) The General Assembly makes the following findings with respect to
14 Secs. 49a and 50 of this act:

15 (1) The Commissioner of Taxes recommended the following rates under
16 32 V.S.A. § 5402b for fiscal year 2015:

17 (A) a nonresidential property tax rate of \$1.52 per \$100.00 of
18 equalized education property value.;

19 (B) a homestead property tax rate of \$1.01 per \$100.00 of equalized
20 education property value;

21 (C) an applicable percentage of 1.84; and

1 (D) a base education amount of \$9,382.00.

2 (2) The Commissioner's recommendations were based in part on the
3 following factors:

4 (A) The use of one-time money, such as \$19.3 million in Education
5 Fund surplus in fiscal year 2014, which is not available in fiscal year 2015.
6 Using one-time money leaves a deficit that must be filled in the following year.

7 (B) Statewide education spending has increased by more than three
8 percent for fiscal year 2015.

9 (C) Nonproperty tax revenues in the Education Fund have grown
10 more slowly than projected.

11 (D) The statewide education grant list is projected to decline for the
12 fourth consecutive year; consequently, taxes must be raised from a smaller
13 base.

14 (E) The base education amount will increase which has the effect of
15 creating upward pressure on the base property tax rates.

16 (3) Assuming no other changes, and an increase in education spending
17 in excess of three percent, property tax base rates are projected to rise between
18 \$0.06 and \$0.08 for fiscal year 2016. If one-time money is used in fiscal year
19 2015, this will increase the amount of revenue that would need to be raised
20 above the projected increases.

1 **(b) A balance needs to be struck between the ability of Vermonters to pay**
2 **additional taxes now and invest in system-changing improvements for the**
3 **future. It is the intent of the General Assembly to limit the use of one-time**
4 **money in order to reserve the maximum amount possible to support school**
5 **districts and supervisory unions to organize more economically their structure**
6 **and activities to produce recurring savings year after year.**

7 Sec. 49a. FISCAL YEAR 2015 EDUCATION PROPERTY TAX RATES
8 AND APPLICABLE PERCENTAGE

9 (a) For fiscal year 2015 only, the education property tax imposed under
10 32 V.S.A. § 5402(a) shall be reduced from the rates of \$1.59 and \$1.10 and
11 shall instead be at the following rates:

12 (1) the tax rate for nonresidential property shall be \$1.51 per
13 \$100.00; and

14 (2) the tax rate for homestead property shall be \$0.99 multiplied by the
15 district spending adjustment for the municipality per \$100.00 of equalized
16 property value as most recently determined under 32 V.S.A. § 5405.

17 (b) For claims filed in 2014 only, “applicable percentage” in 32 V.S.A.
18 § 6066(a)(2) shall be reduced from 2.0 percent and instead shall be 1.84
19 percent multiplied by the fiscal year 2015 district spending adjustment for the
20 municipality in which the homestead residence is located; but in no event shall
21 the applicable percentage be less than 1.84 percent.

1 Sec. 50. FISCAL YEAR 2015 BASE EDUCATION AMOUNT

2 As provided in 16 V.S.A. § 4011(b), the base education amount for fiscal
3 year 2015 shall be \$9,382.00.

4 * * * Form of Budget Vote * * *

5 Sec. 51. 16 V.S.A. § 563 is amended to read:

6 § 563. POWERS OF SCHOOL BOARDS; FORM OF VOTE IF BUDGET
7 EXCEEDS BENCHMARK AND DISTRICT SPENDING IS ABOVE
8 AVERAGE

9 The school board of a school district, in addition to other duties and
10 authority specifically assigned by law:

11 * * *

12 (11)(A) Shall prepare and distribute annually a proposed budget for the
13 next school year according to such major categories as may from time to time
14 be prescribed by the ~~commissioner~~ Secretary.

15 * * *

16 (D) The board shall present the budget to the voters by means of a
17 question in the form of a vote provided as follows:

18 “Article #1 (School Budget):

19 The total proposed budget of \$ _____ is the amount determined by
20 the school board to be necessary to support the school district’s educational
21 program. It is estimated that this proposed budget, if approved, will result in

1 education spending of \$ _____ per equalized pupil. This projected spending per
2 equalized pupil is _____ % higher/lower than spending for the current year.

3 Shall the voters of the school district approve the school board to expend
4 \$ _____, which is the amount the school board has determined to be
5 necessary for the ensuing fiscal year?"

6 * * *

7 * * * Increase in Average Daily Membership * * *

8 Sec. 52. 16 V.S.A. § 4010(b) is amended to read:

9 (b) The ~~commissioner~~ Secretary shall determine the long-term membership
10 for each school district for each student group described in subsection (a) of
11 this section. The ~~commissioner~~ Secretary shall use the actual average daily
12 membership over two consecutive years, the latter of which is the current
13 school year. ~~If, however, in one year, the actual average daily membership of~~
14 ~~kindergarten through 12th grade increases by at least 20 students over the~~
15 ~~previous year, the commissioner shall compute the long-term membership by~~
16 ~~adding 80 percent of the actual increase, to a maximum increase of 45~~
17 ~~equalized pupils.~~

18 * * * Education Spending in Small Schools * * *

19 Sec. 53. 16 V.S.A. § 4015 is amended to read:

20 § 4015. SMALL SCHOOL SUPPORT

21 (a) In this section:

1 (1) “Eligible school district” means a school district which operates at
2 least one school, has been determined by the Secretary of Education to be
3 eligible due to geographic necessity; and

4 (A) has a two-year average combined enrollment of fewer than 100
5 students in all the schools operated by the district; or

6 (B) has an average grade size of 20 or fewer.

7 * * *

8 (7) “Eligible due to geographic necessity” means that the Secretary of
9 Education has determined, on an annual basis, that the driving times, distances,
10 and travel routes are an obstacle to transporting students, consistent with the
11 methodology used by the Secretary in response to 2009 Acts and Resolves
12 No. 153, Sec. 21(1). The Secretary may also consider the available capacity of
13 other neighboring schools to enroll additional students. A determination by the
14 Secretary of eligibility due to geographic necessity under this section shall be
15 final.

16 * * *

17 Sec. 54. EDUCATION SPENDING IN SMALL SCHOOLS

18 Notwithstanding 16 V.S.A. § 4015, for fiscal year 2019, any school that was
19 eligible for small school support of its education spending under 16 V.S.A.
20 § 4015 in fiscal year 2018 but is not eligible in 2019 because the school is not
21 eligible due to geographic necessity shall, upon application, receive small

1 school support that is two-thirds of the support it received in fiscal year 2018.
2 Notwithstanding 16 V.S.A. § 4015, for fiscal year 2020, any school that was
3 eligible for small school support of its education spending under 16 V.S.A.
4 § 4015 in fiscal year 2018 but is not eligible for a small school grant in 2020
5 because the school is not eligible due to geographic necessity shall, upon
6 application, receive small school support that is one-third of the support it
7 received in fiscal year 2018.

8 * * * Shared Equity * * *

9 Sec. 55. 32 V.S.A. § 3481 is amended to read:

10 § 3481. DEFINITIONS

11 The following definitions shall apply in this Part and chapter 101 of this
12 title, pertaining to the listing of property for taxation:

13 (1)(A) “Appraisal value” shall mean, with respect to property enrolled in
14 a use value appraisal program, the use value appraisal as defined in subdivision
15 3752(12) of this title, multiplied by the common level of appraisal, and with
16 respect to all other property, except for owner-occupied housing identified in
17 subdivision (C) of this subdivision (1), the estimated fair market value. The
18 estimated fair market value of a property is the price ~~which~~ that the property
19 will bring in the market when offered for sale and purchased by another, taking
20 into consideration all the elements of the availability of the property, its use
21 both potential and prospective, any functional deficiencies, and all other

1 elements such as age and condition which combine to give property a market
2 value. Those elements shall include ~~a consideration of a decrease in value in~~
3 ~~nonrental residential property due to a housing subsidy covenant as defined in~~
4 ~~27 V.S.A. § 610, or~~ the effect of any state State or local law or regulation
5 affecting the use of land, including 10 V.S.A. chapter 151 or any land
6 capability plan established in furtherance or implementation thereof, rules
7 adopted by the State Board of Health and any local or regional zoning
8 ordinances or development plans. In determining estimated fair market value,
9 the sale price of the property in question is one element to consider, but is not
10 solely determinative.

11 * * *

12 (C) For owner-occupied housing that is subject to a housing subsidy
13 covenant, as defined in 27 V.S.A. § 610, imposed by a governmental,
14 quasi-governmental, or public purpose entity, that limits the price for which the
15 property may be sold, the housing subsidy covenant shall be deemed to cause a
16 material decrease in the value of the owner-occupied housing, and the
17 appraisal value means not less than 60 and not more than 70 percent of what
18 the fair market value of the property would be if it were not subject to the
19 housing subsidy covenant. Every five years, starting in 2019, the
20 Commissioner of Taxes, in consultation with the Vermont Housing
21 Conservation Board, shall report to the General Assembly on whether the

1 percentage of appraised valued used in this subdivision should be altered, and
2 the reasons for his or her determination.

3 (2) “Listed value” shall be an amount equal to 100 percent of the
4 appraisal value. The ratio shall be the same for both real and personal
5 property.

6 * * * Property Tax Exemptions * * *

7 Sec. 56. 32 V.S.A. § 3832(7) is amended to read:

8 (7) Real and personal property of an organization when the property is
9 used primarily for health or recreational purposes, unless the town or
10 municipality in which the property is located so votes at any regular or special
11 meeting duly warned therefor, and except for the following types of property:

12 (A) Buildings and land owned and occupied by a health, recreation, and
13 fitness organization which is:

14 (i) exempt from taxation under 26 U.S.C. § 501(c)(3),

15 (ii) used its income entirely for its exempt purpose, and

16 (iii) promotes exercise and healthy lifestyles for the community and
17 serve citizens of all income levels;

18 (B) real and personal property operated as a skating rink, owned and
19 operated on a nonprofit basis, but not necessarily by the same entity, and which, in
20 the most recent calendar year, provided facilities to local public schools for a sport
21 officially recognized by the Vermont Principals’ Association.

1 Sec. 57. 32 V.S.A. § 3839 is added to read:

2 § 3839. MUNICIPALLY OWNED LAKESHORE PROPERTY

3 (a) Notwithstanding section 3659 of this title, a town may vote to exempt
4 from its municipal taxes, in whole or in part, any parcel of land, but not
5 buildings, that provides public access to public waters, as defined in 10 V.S.A.
6 § 1422(6), and that is also:

7 (1) owned by the Town of Hardwick, and located in Greensboro,
8 Vermont; or

9 (2) owned by the Town of Thetford, and located in Fairlee and West
10 Fairlee, Vermont.

11 (b) An exemption voted by a town under subsection (a) of this section shall
12 be for up to ten years. Upon the expiration of the exemption, a town may vote
13 additional periods of exemption not exceeding five years each.

14 Sec. 58. 32 V.S.A. § 5401(10)(K) is added to read:

15 (K) Any parcel of land, but not buildings, that provides public access to
16 public waters, as defined in 10 V.S.A. § 1422(6), and that is also:

17 (i) owned by the Town of Hardwick, and located in Greensboro,
18 Vermont; or

19 (ii) owned by the Town of Thetford, and located in Fairlee and West
20 Fairlee, Vermont.

1 Sec. 59. 32 V.S.A. § 5401(10)(F) is amended to read:

2 (F) Property owned by a municipality which is located within that
3 municipality and which is used for municipal purposes including the provision
4 of utility services, and including off-street parking garages built, owned, and
5 managed by a municipality in a Designated Downtown as determined in
6 accordance with 24 V.S.A. § 2793. For the purpose of this section, public use
7 of a municipal parking garage may include the leasing of the garage to multiple
8 commercial tenants for part of the day, provided the garage is open to the
9 general public during evenings and weekends.

10 * * * Occupancy of a Homestead * * *

11 Sec. 60. 32 V.S.A. § 5401(7) is amended to read:

12 (7) “Homestead”:

13 (A) “Homestead” means the principal dwelling and parcel of land
14 surrounding the dwelling, owned ~~and occupied~~ by a resident individual on
15 April 1 and occupied as the individual’s domicile for a minimum of 183 days
16 out of the calendar year, or for purposes of the renter property tax adjustment
17 under subsection 6066(b) of this title, rented and occupied by a resident
18 individual as the individual’s domicile.

19 * * *

1 (H) A homestead does not include any portion of a dwelling that is
2 rented and a dwelling is not a homestead for any portion of the year in which it
3 is rented.

4 * * *

5 * * * Excess Spending Anchor * * *

6 Sec. 61. 32 V.S.A. § 5401(12) is amended to read:

7 (12) “Excess spending” means:

8 (A) the per-equalized-pupil amount of the district’s education
9 spending, as defined in 16 V.S.A. § 4001(6), plus any amount required to be
10 added from a Capital Construction Reserve Fund under 24 V.S.A. § 2804(b);

11 (B) in excess of 123 percent of the statewide average district
12 education spending per equalized pupil ~~in the prior fiscal year~~ increased by
13 inflation, as determined by the Secretary of Education on or before November
14 15 of each year based on the passed budgets to date. As used in this
15 subdivision, “increased by inflation” means increasing the statewide average
16 district education spending per equalized pupil for fiscal year 2014 by the most
17 recent New England Economic Project cumulative price index, as of
18 November 15, for state and local government purchases of goods and services,
19 from fiscal year 2014 through the fiscal year for which the amount is being
20 determined.

1 Sec. 62. 2013 Acts and Resolves No. 60, Sec. 2 is amended to read:

2 Sec. 2. 32 V.S.A. § 5401(12) is amended to read:

3 (12) “Excess spending” means:

4 (A) the per-equalized-pupil amount of the district’s education
5 spending, as defined in 16 V.S.A. § 4001(6), plus any amount required to be
6 added from a Capital Construction Reserve Fund under 24 V.S.A. § 2804(b);

7 (B) in excess of ~~123~~ 121 percent of the statewide average district
8 education spending per equalized pupil increased by inflation, as determined
9 by the Secretary of Education on or before November 15 of each year based on
10 the passed budgets to date. As used in this subdivision, “increased by
11 inflation” means increasing the statewide average district education spending
12 per equalized pupil for fiscal year 2014 by the most recent New England
13 Economic Project cumulative price index, as of November 15, for state and
14 local government purchases of goods and services, from fiscal year 2014
15 through the fiscal year for which the amount is being determined.

16 * * * Electrical Generating Plants * * *

17 Sec. 63. 32 V.S.A. § 5402(d) is amended to read:

18 (d) A municipality which has upon its grand list an operating electric
19 generating plant subject to the tax under ~~section 5402a of this chapter~~
20 chapter 213 of this title shall be subject to the nonresidential education
21 property tax at three-quarters of the rate provided in subdivision (a)(1) of this

1 section, as adjusted under section 5402b of this chapter; and shall be subject to
2 the homestead education property tax at three-quarters of the base rate
3 provided in subdivision (a)(2) of this section, as adjusted under section 5402b
4 of this chapter, and multiplied by its district spending adjustment.

5 Sec. 64. EDUCATION TAXES IN VERNON

6 Notwithstanding any other provision of law, for the purposes of 32 V.S.A.
7 § 5402(d), the town of Vernon shall continue to be treated as if its grand list
8 included an operating electric generating plant subject to the tax under
9 32 V.S.A. chapter 213 until the end of fiscal year 2017, and shall be taxed as
10 follows:

11 (1) for fiscal year 2016, the town of Vernon shall be subject to the
12 nonresidential education property tax and the homestead education property
13 tax at 83 percent of the rate as calculated under subsection 5402(a) of this title;

14 (2) for fiscal year 2017, the town of Vernon shall be subject to the
15 nonresidential education property tax and the homestead education property
16 tax at 91 percent of the rate as calculated under subsection 5402(a) of this
17 title; and

18 (3) for fiscal year 2018 and after, the town of Vernon shall be subject to
19 the nonresidential education property tax and the homestead education
20 property tax at 100 percent of the rate as calculated under subsection 5402(a)
21 of this title.

1 * * * Agency of Education * * *

2 Sec. 65. EDUCATION ANALYST

3 The establishment of one (1) new classified position – Education Analyst –
4 in the Agency of Education is authorized in fiscal year 2015 for the purpose of
5 working across the Agency to create tools and indicators for use by education
6 decision makers at the State and local level. The analyst will correlate and
7 otherwise explore connections among the various areas of work within the
8 Agency such as student test scores, attendance, graduation and continuation
9 rates, demographics, district expenditures by category, and staffing patterns.
10 The analyst will assist local and State level decision makers to assess the return
11 on education dollars based on analysis of opportunities provided,
12 cost-effectiveness, and outcomes for a given level of expenditure.

13 Sec. 66. BUSINESS MANAGER HANDBOOK

14 The Agency of Education shall hire a contractor or contractors through the
15 State’s procurement process to develop an updated, more comprehensive,
16 business manager handbook that consolidates all the information a business
17 manager would need to perform his or her function in one reference document.
18 This document should establish a uniform chart of accounts and financial
19 reports that are GASB compliant, uniform business rules, a comprehensive
20 section on federal funds and compliance, State funds and compliance, and a

1 blank section for local board policies and internal procedures that each
2 business manager can add to the State-issued handbook.

3 Sec. 67. APPROPRIATION

4 The sum of \$82,500.00 is appropriated from the Supplement Property Tax
5 Relief Fund in 32 V.S.A. § 6075 to the Agency of Education for the purpose of
6 hiring the Education Analyst position in Sec. 66 of this act, and a sum of up to
7 \$400,000.00 is appropriated from the Supplement Property Tax Relief Fund in
8 32 V.S.A. § 6075 to the Agency of Education to hire a contractor or
9 contractors through the State’s procurement process to develop the updated,
10 more comprehensive, business manager handbook in Sec. 67 of this act.

11 **Sec. 68. AGENCY OF EDUCATION; EDUCATION FUND**

12 (a) The Agency of Education shall identify \$1,000,000.00 in planned
13 expenditures from the Education Fund that is improperly identified as
14 education spending and the Education Fund shall reflect that reduction in fiscal
15 year 2015. The Secretary shall reduce education spending, as defined in
16 16 V.S.A. § 4001, for purposes of calculating the tax rate of, and the
17 corresponding payment from the Education Fund to, each district identified as
18 improperly including non-education spending within its education budget in
19 fiscal year 2015.

1 (b) On or before January 15, 2015, the Secretary shall present the results of
2 the work required by this section to the General Assembly, together with any
3 recommendations for legislative action.

4 * * * Repeal * * *

5 Sec. 69. REPEAL

6 (a) 32 V.S.A. § 3802(18) (municipally owned lakeshore property) is
7 repealed on January 1, 2015.

8 (b) 32 V.S.A. § 5862b is repealed on July 1, 2014.

9 * * * Effective Dates * * *

10 Sec. 70. EFFECTIVE DATES

11 This act shall take effect on passage except:

12 (1) Secs. 1 (1099K filing requirement), 2 (consolidated returns), and
13 4 (VEGI) shall take effect retroactively to January 1, 2014 and apply for tax
14 year 2014 and after.

15 (2) Sec. 3 shall take effect July 1, 2014 and tax year 2015 shall be the
16 first year an organization selected by the Commissioner shall have a checkoff.

17 (3) Sec. 5 (annual income tax update) shall take effect retroactively to
18 January 1, 2014 and apply to taxable years beginning on and after January 1,
19 2013.

20 (4) Sec. 6 (annual estate tax update) shall take effect retroactively to
21 January 1, 2014 and apply to decedents dying on or after January 1, 2013.

1 (5) Secs. 17 (corrected tax bills due to late filing of declaration), 18 (last
2 date for filing declaration), and 19 (corrected tax bills due to late filing of
3 property tax adjustment claim) shall take effect on July 1, 2014 and apply to
4 property appearing on grand lists lodged in 2014 and after.

5 (6) Sec. 22 (distilled spirits) shall take effect on July 1, 2014.

6 (7) Secs. 23–25 (employer assessment) shall take effect on September 1,
7 2014 and shall apply beginning with the calculation of the Health Care Fund
8 contributions payable in the second quarter of fiscal year 2015, which shall be
9 based on the number of an employer’s uncovered employees in the first quarter
10 of fiscal year 2015.

11 (8) Secs. 26–29 (solar plant exemptions and valuation) and Sec. 30
12 (valuation of natural gas and petroleum infrastructure) shall take effect on
13 January 1, 2015 and apply to property appearing on grand lists lodged in 2015
14 and after.

15 (9) Secs. 31 (use tax reporting) and 32 (marijuana dispensaries) shall
16 take effect on January 1, 2015 and apply to tax year 2015 and after.

17 (10) Sec. 33 (downtown credits) shall apply to fiscal year 2015 and
18 after.

19 (11) Secs. 34 (repeal of sales tax exemption), 39 (snuff), 40 (floor tax),
20 41 (definition of sales), 42 (contractors), 43 (certificates of exemption), 44

1 (definitions), 45 (compost), 46 (telecommunications use tax), 47 (fuel gross
2 receipts tax), and 48 (propane canisters) shall take effect on July 1, 2014.

3 (12) Secs. 35–38 (estate taxes) shall take effect on January 1, 2015 and
4 apply to decedents dying on or after that date.

5 (13) Secs. 49 (statewide education tax base rates) and 50 (base
6 education amount) shall take effect on passage and apply to education property
7 tax rates and the base education amount for fiscal year 2015.

8 (14) Sec. 51 (form of budget vote) shall take effect on January 1, 2015
9 and apply to budgets voted for fiscal year 2016.

10 (15) Sec. 52 (increased average daily membership) shall take effect on
11 July 1, 2014 and shall apply to long-term membership calculations for fiscal
12 year 2016 and after.

13 (16) Secs. 53 and 54 (small school spending) shall take effect on July 1,
14 2018 and apply to fiscal year 2019 and forward.

15 (17) Secs. 55 (shared equity housing), 56 (health and recreation
16 property), 57 (town voted exemption), 58 (education property tax exemption),
17 and Sec. 59 (parking garages) shall take effect on January 1, 2015 and apply to
18 property appearing on grand lists lodged in 2015 and after.

19 (18) Sec. 60 (occupancy of a homestead) shall take effect on January 1,
20 2015 and apply to homestead declarations for 2015 and after.

1 (19) Secs. 61 and 62 (anchoring excess spending) shall take effect on
2 July 1, 2014 and apply to property tax calculations for fiscal year 2016 and
3 after.
4

1 (Committee vote: _____)

2

3

Senator _____

4

FOR THE COMMITTEE